UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,878	09/28/2001	Joe A. Rodriguez	LM(F)5616	3587

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SHAAWAT, MUSSA

ART UNIT	PAPER NUMBER
2128	

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/965,878	RODRIGUEZ, JOE A.
	Examiner	Art Unit	
	Mussa A Shaawat	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 September 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>28 September 2001</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to Application # 09/965,878, filed on September 28,

2001. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claim 1-4, and 6-20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Amarnath R. Arsikere US Patent No. (6,424,653) referred to hereinafter as Arsikere.

As per claim 1, Arsikere teaches a method for communication within a network,

said method comprising the steps of: transmitting a data packet as a broadcast signal

from a first application node of a first subnetwork to a first gateway node of the first

subnetwork (see col.5 lines 14-21, broadcasting protocols are use to send packets of

information to multiple nodes within a network);

transmitting the data packet as a point-to-point signal from the first gateway node

to a second gateway node of a second subnetwork (see col.5 lines 22-25, point-to-point

protocol is used to send packets of information nodes to MU's 112-120 and terminal

server i.e. to a subnetwork); and

transmitting the data packet as a broadcast signal from the second gateway node

of the second subnetwork to at least one application node of the second subnetwork (see col.5 lines 14-21, broadcasting protocols are use to send packets of information to multiple nodes within a network).

As per claim 2, Arsikere teaches a method as set forth in claim 1 further comprising the steps of: transmitting another data packet as a broadcast signal from the at least one application node of the second subnetwork to the second gateway node of the second subnetwork (see col.5 lines 14-21, broadcasting protocols are use to send packets of information to multiple nodes within a network);

transmitting the other data packet as a point-to-point signal from the second gateway node to the first gateway node of the first subnetwork (see col.5 lines 22-25, point-to-point protocol is used to send packets of information nodes to MU's 112-120 and terminal server i.e. to a subnetwork); and

transmitting the data packet as a broadcast signal from the first gateway node of the first subnetwork to the first application node of the first subnetwork (see col.5 lines 14-21, broadcasting protocols are use to send packets of information to multiple nodes within a network).

As per claim 3, Arsikere teaches a method as set forth in claim 1 wherein said transmitting the data packet as a point-to-point signal is conducted across an undedicated communication network (see col.7 lines 17-20, the data packet are transmitted as a point-to-point signal across a TCP/internet protocol i.e. undedicated communication network which is defined as the internet in the preceding claim).

As per claim 4, Arsikere teaches a method as set forth in claim 3 wherein the undedicated communication network is the Internet (see col.7 lines 17-20, the data packet are transmitted as a point-to-point signal across a TCP/internet protocol i.e. undedicated communication network which is defined as the internet in the preceding claim).

As per claim 6, Arsikere teaches a method as set forth in claim 1 wherein the broadcast signals each comprise an Ethernet Protocol Data Unit (see col.7 lines 15-17, 20-24, the broadcast network uses Ethernet protocol to transmit packets).

As per claim 7, Arsikere teaches a method as set forth in claim 1 wherein the point-to-point signal includes an IP address (see col.8 lines 53-56, the signal provided to the point-to-point protocol includes an IP address).

As per claim 8, Arsikere teaches a method as set forth in claim 1 further including the step of transmitting the data packet as a broadcast signal to a second application node of the first subnetwork (see col.5 lines 14-21, broadcasting protocols are use to send packets of information to multiple nodes within a network).

As per claim 9, Arsikere teaches a system for simulating a war game, said system comprising: a first device for transmitting a data packet as a broadcast signal from a first application node of a first subnetwork to a first gateway node of the first subnetwork (see col.5 lines 14-21, broadcasting protocols are use to send packets of information to multiple nodes within a network);

a second device for transmitting the data packet as a point-to-point signal from the first gateway node to a second gateway node of a second subnetwork (see col.5

lines 22-25, point-to-point protocol is used to send packets of information nodes to MU's 112-120 and terminal server i.e. to a subnetwork); and

a third device for transmitting the data packet as a broadcast signal from the second gateway node of the second subnetwork to at least one application node of the second subnetwork (see col.5 lines 14-21, broadcasting protocols are use to send packets of information to multiple nodes within a network).

As per claim 10, Arsikere teaches a system as set forth in claim 9 wherein said third device transmits another data packet as a broadcast signal from the at least one application node of the second subnetwork to the second gateway node of the second subnetwork (see col.5 lines 14-21, broadcasting protocols are use to send packets of information to multiple nodes within a network); said

second device transmits the other data packet as a point-to-point signal from the second gateway node to the first gateway node of the first subnetwork (see col.5 lines 22-25, point-to-point protocol is used to send packets of information nodes to MU's 112-120 and terminal server i.e. to a subnetwork); and said

third device transmits the data packet as a broadcast signal from the first gateway node of the first subnetwork to the first application node of the first subnetwork (see col.5 lines 14-21, broadcasting protocols are use to send packets of information to multiple nodes within a network).

As per claim 11, Arsikere teaches a system as set forth in claim 9 wherein said first device is a computer (see col.5 line 22, first device is a computer).

As per claim 12, Arsikere teaches a system as set forth in claim 11 wherein the first gateway node converts the data packet from the broadcast signal to the point-to-point signal by adding an IP address to the broadcast signal (see col.2 lines 21-27).

As per claim 13, Arsikere teaches a system as set forth in claim 9 wherein said third means is a computer (see col.5 line 22, first device is a computer).

As per claim 14, Arsikere teaches a system as set forth in claim 9 wherein said second means is an undedicated intranet (an Intranet as defined by the dictionary is a network base on TCP/IP protocols i.e. an internet, see col.7 lines 17-20, the data packet are transmitted as a point-to-point signal across a TCP/internet protocol i.e. undedicated Intranet).

As per claim 15, Arsikere teaches a system as set forth in claim 9 wherein said first device transmits the data packet as a broadcast signal form the first application node to a second application node of the first subnetwork (see col.5 lines 14-21, broadcasting protocols are use to send packets of information to multiple nodes within a network).

As per claim 16, Arsikere teaches an apparatus for simulating a war game, said apparatus comprising: a first means for transmitting a data packet as a broadcast signal from a first application node of a first subnetwork to a first gateway node of the first subnetwork (see col.5 lines 14-21, broadcasting protocols are use to send packets of information to multiple nodes within a network);

a second means for transmitting the data packet as a point-to-point signal from the first gateway node to a second gateway node of a second subnetwork (see col.5

lines 22-25, point-to-point protocol is used to send packets of information nodes to MU's 112-120 and terminal server i.e. to a subnetwork); and

a third means for transmitting the data packet as a broadcast signal from the second gateway node of the second subnetwork to at least one application node of the second subnetwork (see col.5 lines 14-21, broadcasting protocols are use to send packets of information to multiple nodes within a network).

As per claim 17, Arsikere teaches an apparatus as set forth in claim 16 wherein said third means transmits another data packet as a broadcast signal from the at least one application node of the second subnetwork to the second gateway node of the second subnetwork (see col.5 lines 14-21, broadcasting protocols are use to send packets of information to multiple nodes within a network); said

second means transmits the other data packet as a point-to-point signal from the second gateway node to the first gateway node of the first subnetwork (see col.5 lines 22-25, point-to-point protocol is used to send packets of information nodes to MU's 112-120 and terminal server i.e. to a subnetwork); and said

third means transmits the data packet as a broadcast signal from the first gateway node of the first subnetwork to the first application node of the first subnetwork (see col.5 lines 14-21, broadcasting protocols are use to send packets of information to multiple nodes within a network).

As per claim 18, Arsikere teaches a computer program product for

communicating within a network, said product comprising: a first subnetwork having a first application node and a first gateway node (see col.7 lines 53-55, where a TSC is an application gateway node and a LAN is a network); and a

second subnetwork having a second application node and a second gateway node, said first application node transmitting a data packet as a broadcast signal to said first gateway node of said first subnetwork (see col.5 lines 14-21, broadcasting protocols are use to send packets of information to multiple nodes within a network); said

first gateway node transmitting said data packet as a point-to-point signal from said first gateway node to said second gateway node of said second subnetwork (see col.5 lines 22-25, point-to-point protocol is used to send packets of information nodes to MU's 112-120 and terminal server i.e. to a subnetwork), said second gateway node transmitting said data packet as a broadcast signal from said second gateway node of said second subnetwork to said second application node of said second subnetwork (see col.5 lines 14-21, broadcasting protocols are use to send packets of information to multiple nodes within a network).

As per claim 19, Arsikere teaches a computer program product as set forth in claim 18 wherein said second application node transmits another data packet as a broadcast signal to said second gateway node, said second gateway node transmits said other data packet as a point-to-point signal to said first gateway node (see col.5 lines 22-25, point-to-point protocol is used to send packets of information nodes to MU's 112-120 and terminal server i.e. to a subnetwork), and said first gateway node transmits

said other data packet as a broadcast signal to said first and second application nodes

(see col.5 lines 14-21, broadcasting protocols are use to send packets of information to

multiple nodes within a network).

20. The computer program product as set forth in claim 18 wherein said first application

node transmits said data packet as a broadcast signal to another application node of

said first subnetwork simultaneously to the transmission of said data packet to said first

gateway node (see col.5 lines 14-21, broadcasting protocols are use to send packets of

information to multiple nodes within a network).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aviv

Tzidon US Patent No. (6,127,946) referred to hereinafter as Tzidon.

Arsikere discloses all the claimed limitations as applied in claim 1 above.

As per claim 5, Arsikere does not expressly teach a method to simulate war

games between two remote geographical sites.

However Tzidon discloses simulating war games (see col.1 lines 10-19) also the

drawing shows a schematic depiction of a naval maneuvers i.e. geographical site (see

col.2 lines 40-45). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to combine the teaching of Tzidon limitations of

simulating war games between geographical sites with Arsikere because it will enable

participants to select among communications channels based on their instantaneous

locations.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- Birdwell et al. US Patent No. (6,002,852) Method and system for confirming

    receipt of data opportunistically broadcast to client computer systems.

- Jorgensen US Patent No. (6,640,248) application-aware, quality of service

    (QOS) sensitive, media access control (MAC) layer.

- Jorgensen US Patent No. (6680,922) method for the recognition and operation of

    virtual private networks (VPNS) over a wireless point to multi-point (PTMP)

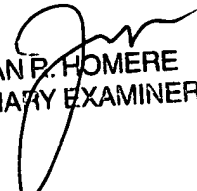   Transmission system

Communication

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mussa A Shaawat whose telephone number is (571)

272-3785. The examiner can normally be reached on Monday-Friday (8:30am to

5:00pm).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jean R Homere can be reached on (571) 272-3780. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Mussa Shaawat
Patent Examiner
February 2, 2005

JEAN R. HOMERE
PRIMARY EXAMINER